

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JUL 24 2015

JULIA C. DUDLEY, CLERK  
BY: *HM* *McDonnell*  
DEPUTY CLERK

SCOTT ANDREW MCCAUL,  
Plaintiff,

v.

DR. MOSES QUINONES, et al.,  
Defendants.

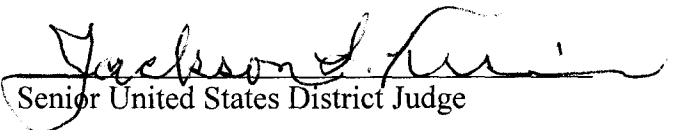
) Civil Action No. 7:15-cv-00314  
)  
)

) MEMORANDUM OPINION  
)

) By: Hon. Jackson L. Kiser  
) Senior United States District Judge

Scott Andrew McCaul, a Virginia inmate proceeding pro se, filed a civil rights complaint pursuant 42 U.S.C. § 1983. Plaintiff names Dr. Moses Quinones and Sheriff Bryan Hutchenson as defendants, and he seeks to join Superintendent Jack Lee, Major Young, Major Dull, Major Nickolson, Medical Director Regenna Chestnutt, and "Southern Health" as defendants via motions to amend. Plaintiff cannot pursue relief against Sheriff Hutchenson because plaintiff fails to identify Sheriff Hutchenson's personal involvement with Plaintiff's claims, and Sheriff Hutchenson cannot be liable via the Eleventh Amendment or the theory of respondent superior.<sup>1</sup> See Monell v. Dep't of Soc. Servs., 436 U.S. 658, 663 n.7 (1978); Bland v. Roberts, 730 F.3d 368, 390-91 (4th Cir. 2013). Furthermore, the motions to amend are denied as futile because Plaintiff fails to state a claim upon which relief may be granted against the proposed defendants. See Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007); Foman v. Davis, 371 U.S. 178, 182 (1962). Plaintiff's Eighth Amendment claims against Dr. Quinones remain pending with the court.

ENTER: This 24<sup>th</sup> day of July, 2015.

  
Senior United States District Judge

<sup>1</sup> Plaintiff is not within the Sheriff's custody, and consequently, equitable relief against the Sheriff is now moot. See, e.g., Incumaa v. Ozmint, 507 F.3d 281, 286-87 (4th Cir. 2007).